

Asheville City Council
Planning and Economic Development Committee

8:30 a.m., February 10, 2010
City Hall, First Floor Conference Room

Minutes

Present: Councilman Jan Davis, Chair; Councilman Gordon Smith; Councilwoman Esther Manheimer

Staff: Gary Jackson, Sam Powers, Cathy Ball, McCray Coates, Judy Daniel, Kimberly Hamel, Shannon Tuch

The Planning and Economic Development Committee met on February 10, 2010, in the First Floor Conference Room, City Hall. Chair Davis called the meeting to order at 8:45 a.m.

1. Approval of Minutes

The Minutes from the November 11, 2009, meeting were approved as written.

2. Updates

Development Fees and Charges

Judy Daniel, Planning Director, gave the update. (See attached memorandum.) These fees and charges will be reviewed by the Finance Committee. They include approximately \$60-70,000 in additional revenues, which primarily reflect cost recovery for development services. Staff is considering packaging the fees together, as opposed to multiple single charges.

3. Unfinished Business

There was no unfinished business on the agenda.

4. New Business

(Chairman Davis reminded the group that informal comments could be made regarding agenda items, but that the PED Committee meeting was not a public hearing.)

Stormwater and Erosion Policy Review

Cathy Ball, Public Works Director, led the Stormwater and Erosion Policy Review, assisted by McCray Coates, Stormwater Services Manager. In August 2007, City Council adopted revisions to the Stormwater and Erosion Control Ordinance. Included in their approval, staff was directed to revisit the buffer and inspection requirements as well as the penalty section of the ordinance. Council directed staff to include a broader stakeholder group in this process. See all attached documents.

Staff has come before PED for feedback on two key issues:

- If the Stormwater and Erosion Policy should be one ordinance or two;
- Policy direction on buffer requirements.

Councilwoman Manheimer began the discussion by recognizing the hard work of staff and the task force. She then listed her concerns regarding combining stormwater and erosion, and the inconsistency she felt occurs in the exemption sections. Ms Ball indicated that staff will continue to work to clarify the proposal.

The Committee also indicated their concerns regarding buffer requirements, and suggested that Pete's Matrix, a matrix created to determine buffer amounts based on varying conditions, seemed simply to complicate the issue. Staff indicated that Pete's Matrix was created in response to community input that "one size did not fit all."

Councilman Davis spoke in support of a 30' buffer across the board. Councilwoman Manheimer and Councilman Gordon discussed having broader buffers citywide and 30 foot buffers in high-density areas.

Julie Mayfield, Robert Zeeber and Hartwell Carson addressed the Committee, indicating their concerns with the ordinance (clarification and inconsistencies). Robert Zeeber specifically asked staff for information on the impact of the ordinance since it was adopted in 2007.

The Committee requested that staff review the concerns and revise the ordinance accordingly. Staff will bring the revised ordinance back to the PED Committee at their March meeting.

Electronic Gaming Establishment

Councilwoman Manheimer recused herself from the discussion (she is a partner in a law firm representing a client who is appealing an electronic gaming establishment fine).

Shannon Tuch, Assistant Planning Director, began the discussion with the History/Summary of Electronic Gaming Operations in North Carolina (see attached).

Councilman Smith suggested that PED recommend to Council consideration of both an amendment to the UDO, and business licensing. Planning staff was asked to provide information on land use impacts which might lead to distances between them or other types of regulatory changes, and, assuming they would be allowed in some manner, develop a recommendation for a business license fee.

Next step: Review by the Public Safety Committee and the Finance Committee, and then to full Council for consideration of policy alternatives.

Several property owners attempted to discuss the legal challenge. Ms. Martha McGlohon, City Attorney, advised them of the case going before the Board of Adjustment and suggested the Committee not discuss a matter in the quasi-judicial process.

5. Presentations and Public Comment

There were no presentations or public comment.

The meeting was adjourned at 10:45 a.m.